

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GEORVAUGHN M. LUCAS,

Plaintiff,

v.

Case No. 19-cv-1619-pp

DEPUTY PLEW, and
CORRECTIONS OFFICER GIBBS

Defendants.

**ORDER SETTING DEADLINE FOR PLAINTIFF TO RESPOND TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Georvaughn M. Lucas, who is representing himself, filed a complaint under 42 U.S.C. §1983. On April 22, 2021, the defendants filed a motion for summary judgment. Dkt. No. 24. Under Civil Local Rule 56(b)(2) (E.D. Wis.), the plaintiff's response materials are due within thirty days of service of the motion—**by May 24, 2021**. This means that he must file those materials in time for the court to *receive* them by May 24, 2021.

The plaintiff must respond to each of the defendants' proposed findings of fact (Dkt. No. 25), either by agreeing with the proposed fact or explaining why he disagrees with the proposed fact. If the plaintiff does not either agree or disagree with a proposed fact, the court will assume that he agrees with that proposed fact. The plaintiff must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. § 1746.¹ An unsworn

¹ At the bottom of his declaration the plaintiff should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. § 1746(2).


declaration is a way for a party to tell his side of the story while declaring to the court that everything in the declaration is true and correct. The plaintiff also must respond to the legal arguments in the defendants' brief (Dkt. No. 26) by explaining why he disagrees with those arguments.

If the plaintiff does not file a written response in opposition to the defendants' summary judgment motion by **May 24, 2021**, the court has the authority to treat the defendants' motion as unopposed, accept all facts asserted by the defendants as undisputed and decide the motion based only on the arguments in the defendants' brief, without any input from the plaintiff. That means that the court will likely grant the defendants' motion and dismiss the case. If a plaintiff has a history of failing to file documents by deadlines the court has set, or failing to comply with court orders, the court also has the authority to dismiss the case as a sanction for plaintiff's failure to timely file a response in opposition to the motion for summary judgment.

The court **ORDERS** that if the court has not received the plaintiff's response to the defendants' motion for summary judgment by the end of the day on **May 24, 2021**, or an explanation as to why he cannot timely file a response, the court will address the defendants' motion unopposed, that is, without considering a response from the plaintiff.

Dated in Milwaukee, Wisconsin this 26th day of April, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge